

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school disciplinary tribunals, so as to expand the definition of "bullying"; to provide that a student can be reassigned to another school for the purpose of separating such student from his or her bullying victim; to direct the Department of Education to develop a model policy regarding bullying; to provide for immediate notification of law enforcement officials when a student commits an alleged physical assault or battery on another student or on a teacher or other school employee; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school disciplinary tribunals, is amended by revising Code Section 20-2-751.4, relating to policies prohibiting bullying, as follows:

"20-2-751.4.

(a) As used in this Code section, the term 'bullying' means:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; ~~or~~

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or

(3) Any intentional written, verbal, or physical act that:

(A) Physically harms another person or damages another person's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school, when such act occurs on school property, on school vehicles, or at school related functions

or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system.

(b) Each local board of education shall adopt policies, ~~applicable to students in grades six through 12,~~ that prohibit bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for ~~middle and high~~ schools in that school system. Local board policies shall require that, upon a finding that a student has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school; provided, however, that a local board of education shall be authorized at its sole discretion to assign a student who has committed one or more offenses of bullying to a school outside the student's attendance area at any time for the purpose of separating the student from his or her victim. Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each ~~middle and high~~ school and by including such information in student and parent handbooks.

(c) The Department of Education shall develop a model policy, that may be revised from time to time, and shall post this policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An identification of an age appropriate range of consequences for bullying;

(5) A procedure for a student, parent or guardian, teacher, or other school employee, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A requirement that a parent or guardian of any target of bullying or student who bullies another shall be notified; and

(7) A statement prohibiting retaliation following a report of bullying.

(d) Any school system which is not in compliance with the requirements of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260."

SECTION 2.

Said subpart is further amended by revising Code Section 20-2-756, relating to reports to law enforcement officials, as follows:

"20-2-756.

(a) The school administration, disciplinary hearing officer, panel, tribunal of school officials, or the local board of education may, when any alleged criminal action by a student occurs, report the incident to the appropriate law enforcement agency or officer for investigation to determine if criminal charges or delinquent proceedings should be initiated. The school administration shall immediately notify the appropriate law enforcement agency when a student has allegedly committed a physical assault or battery of another student or of a teacher or other school employee.

(b) No individual reporting any incident under this subpart to a law enforcement agency or officer shall be subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.